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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,691	01/15/2004	Andreas Wieners	RW-150	4965
7590 Friedrich Kueffner Suite 910 317 Madison Avenue New York, NY 10017				
EXAMINER				
NGUYEN, PHONG H				
ART UNIT		PAPER NUMBER		
3724				
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03/06/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/758,691

**Applicant(s)**

WIENERS, ANDREAS

**Examiner**

PHONG H. NGUYEN

**Art Unit**

3724

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2007 and 02 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.  

Claim 4 depends on canceled claim 3.

### *Claim Rejections - 35 USC § 103*

3. Claims 1, 2 and 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikawa (6,835,346) in view of Saito (JP2000-289108) and Kapteyn et al. (US Pub. 2001/0022212 A1), hereinafter Kapteyn.  

Regarding claims 1 and 4-6, Ikawa teaches a cutting tool comprising a blade holder having a cutting blade 4C, a robot controlled device for controlling the movement of the blade holder and a distance sensor. See Fig. 1.

It is to be noted that airbags are made of thermoplastic.

It is to be noted that a circuit for integrating the distant sensor into the cutting tool is inherent in the system.

Ikawa teaches a preheating device and a subsequent cooling device in the cutting tool, and does not teach an inductive sensor.

Saito teaches that there is no need to preheat and subsequent cool a workpiece during a cutting process.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to eliminate the preheating device and the subsequent cooling device in the cutting tool of Ikawa to reduce the complexity and the cost of the cutting tool.

Ikawa teaches using a laser displacement sensor and CCD camera to measure a depth of a groove but not an inductive sensor.

Kapteyn teaches using an inductive sensor to measure a depth of a groove. See the Abstract. Using a laser displacement sensor and CCD camera or an inductive sensor to measure a depth of a groove is art equivalent. Therefore, it would have been obvious to one skill in the art to replace the laser displacement sensor and CCD camera in the Ikawa cutting tool with the inductive sensor as taught by Kapteyn since they are art equivalence and such practice is routine skill in the art.

Regarding claims 7-10, Ikawa teaches a method for making grooves on an airbag comprising the step of providing a blade holder having a cutting blade 4C, a robot controlled device for controlling the movement of the blade holder and a distant sensor. See Fig. 1.

It is to be noted that airbags are made of thermoplastic.

It is to be noted that a circuit for integrating the distant sensor into the cutting tool is inherent in the system.

The Ikawa's cutting method includes the step of preheating and subsequent cooling of the workpiece, and does not teach an inductive sensor.

Saito teaches that there is no need to preheat and subsequent cool a workpiece during a cutting process.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to eliminate the step of preheating and subsequent cooling of the workpiece to reduce the complexity and the cost of the cutting tool.

Ikawa teaches using a laser displacement sensor and CCD camera to measure a depth of a groove but not an inductive sensor.

Kapteyn teaches using an inductive sensor to measure a depth of a groove. See the Abstract. Using a laser displacement sensor and CCD camera or an inductive sensor to measure a depth of a groove is art equivalent. Therefore, it would have been obvious to one skill in the art to replace the laser displacement sensor and CCD camera in the Ikawa cutting tool with the inductive sensor as taught by Kapteyn since they are art equivalence and such practice is routine skill in the art.

Regarding claim 2, Ikawa teaches the invention substantially as claimed except for a specific shape of a distance sensor housing for housing the distance sensor. Providing the distance sensor housing a specific shape for artistic purpose is routine skill in the art. Therefore, it would have been obvious to one skilled in the art to provide a cylindrical housing for the distance sensor since such practice is routine skill in the art.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 2 and 4-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHONG H. NGUYEN whose telephone number is (571)272-4510. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/P. H. N./  
Examiner, Art Unit 3724  
March 3, 2009